

REMARKS/ARGUMENTS

Responsive to the Official Action dated November 21, 2006, Applicants elect with traverse the species P504+HMWCK+P63 double stain.

The Office has required restriction in the present application as follows: The 26 different patentably distinct pairs of specific antigens listed in Claim 93.

Applicants elect with traverse the species P504+HM WCK+P63 double stain.

Applicants make no statement regarding the patentable distinctness of the species but note that for restriction to be proper there must be a patentable difference between these species as claims. M.P.E.P. § 808.01(a). Applicants respectfully traverse the Election of Species Requirement on the grounds that the Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct.

Accordingly, Applicants respectfully submit that the restriction is improper and Applicants' election of species is for examination purposes only.

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Finally with respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office should expand its search to the non-elected species.

Accordingly, and for the reasons presented above Applicants submit the Office has failed to meet the burden necessary in order to sustain the Election of Species Requirement. Withdrawal of the Election of Species Requirement is respectfully requested.

Application No. 10/784,163  
Reply to Restriction Requirement of November 21, 2006

Applicants respectfully submit the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



John Niebling  
Attorney of Record  
Registration No. 57,981

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)